



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNR, FFT**

### Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“Ten Day Notice”) pursuant to section 46;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

The tenant attended with the lawyer CD (“the tenant”). The landlord attended with the advocate DD (“the landlord”).

### *Preliminary Issue – British Columbia Supreme Court*

The parties agreed that the dispute is substantially linked to an action presently before the British Columbia Supreme Court (“BCSC”), reference to the number appearing on the first page. They requested that I dismiss the matter without leave to reapply as I do not have jurisdiction.

Section 58 of the *Act* states the following, in part:

- (2) Except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute unless...*
- (c) the dispute is linked substantially to a matter that is before the Supreme Court.*

- (4) *The Supreme Court may*  
    (a) *on application, hear a dispute referred to in subsection (2) (a) or (c),*  
    *and*  
    (b) *on hearing the dispute, make any order that the director may make*  
    *under this Act.*

I accept the joint submission by the parties that this matter is substantially linked to a matter before the BCSC.

Accordingly, I find I do not have jurisdiction to hear this matter pursuant to section 58(2)(c) of the *Act*.

Upon the request of the parties and pursuant to my finding under section 58(2)(c) of the *Act*, I dismiss this Application for Dispute Resolution without leave to reapply.

#### Conclusion

I decline to hear this matter as I have no jurisdiction to consider this application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 29, 2022

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Residential Tenancy Branch